

108TH CONGRESS  
1ST SESSION

# H. R. 2242

To amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. KENNEDY of Rhode Island (for himself, Mr. CAMP, Mr. KILDEE, Mr. PALLONE, Mr. BACA, Ms. NORTON, Mr. CARSON of Oklahoma, Mr. FOLEY, Mr. HAYWORTH, Mr. FROST, Mr. UDALL of New Mexico, Mr. RANGEL, Mr. FILNER, Ms. LEE, Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on the Judiciary, the Budget, Select Intelligence (Permanent Select), and Select Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Tribal Government  
3 Amendments to the Homeland Security Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5       (a) FINDINGS.—Congress finds the following:

6           (1) There is a government-to-government rela-  
7       tionship between the United States and each Indian  
8       tribal government.

9           (2) Through statutes and treaties, Congress has  
10      recognized the inherent sovereignty of Indian tribal  
11      governments and the rights of Native people to self-  
12      determination and self-governance.

13          (3) Each Indian tribal government possesses  
14      the inherent sovereign authority—

15           (A)(i) to establish its own form of govern-  
16      ment;

17           (ii) to adopt a constitution or other organic  
18      governing documents; and

19           (iii) to establish a tribal judicial system;  
20      and

21           (B) to provide for the health and safety of  
22      those who reside on tribal lands, including the  
23      provision of law enforcement services on lands  
24      under the jurisdiction of the tribal government.

25          (4) Tribal emergency response providers, such  
26      as tribal emergency public safety officers, law en-

1        enforcement officers, emergency response personnel,  
2        emergency medical personnel and facilities (including  
3        tribal and Indian Health Service emergency facili-  
4        ties), and related personnel, agencies, and authori-  
5        ties—

6                    (A) play a crucial role in providing for the  
7        health and safety of those who reside on tribal  
8        lands; and

9                    (B) are necessary components of a com-  
10       prehensive system to secure the homeland of  
11       the United States.

12            (5) There are more than 25 Indian tribes that  
13       have primary jurisdiction over—

14                    (A) lands within the United States that  
15       are adjacent to the Canadian or Mexican bor-  
16       der; or

17                    (B) waters of the United States that pro-  
18       vide direct access by boat to lands within the  
19       United States.

20            (6) The border lands under the jurisdiction of  
21       Indian tribal governments comprise more than 260  
22       miles of the approximately 7,400 miles of inter-  
23       national border of the United States.

24            (7) Numerous Indian tribal governments exer-  
25       cise criminal, civil, and regulatory jurisdiction over

1 lands on which dams, oil and gas deposits, nuclear  
2 or electrical power plants, water and sanitation sys-  
3 tems, or timber or other natural resources are lo-  
4 cated.

5 (8) The involvement of tribal governments in  
6 the protection of the homeland of the United States  
7 is essential to the comprehensive maintenance of the  
8 homeland security of the United States.

9 (b) PURPOSES.—The purposes of this Act are to en-  
10 sure that—

11 (1) the Department of Homeland Security  
12 consults with, involves, coordinates with, and in-  
13 cludes Indian tribal governments in carrying out the  
14 mission of the Department under the Homeland Se-  
15 curity Act of 2002 (Public Law 107–296); and

16 (2) Indian tribal governments participate fully  
17 in the protection of the homeland of the United  
18 States.

19 **SEC. 3. TABLE OF CONTENTS; DEFINITIONS.**

20 (a) TABLE OF CONTENTS.—The table of contents of  
21 the Homeland Security Act of 2002 (Public Law 107–296;  
22 116 Stat. 2135) is amended in the item relating to section  
23 801 by inserting “, Tribal,” after “State”.

24 (b) DEFINITIONS.—Section 2 of the Homeland Secu-  
25 rity Act of 2002 (6 U.S.C. 101) is amended—

1           (1) in paragraph (6), by inserting “tribal,”  
2     after “State,”;

3           (2) by redesignating paragraphs (9), (10), (11),  
4     (12), (13), (14), (15), and (16) as paragraphs (10),  
5     (11), (12), (13), (14), (15), (16), and (19), respec-  
6     tively;

7           (3) by inserting after paragraph (8) the fol-  
8     lowing:

9           “(9) INDIAN TRIBE.—The term ‘Indian tribe’  
10    means any Indian tribe, band, nation, or other orga-  
11    nized group or community located in the continental  
12    United States (excluding the State of Alaska) that  
13    is recognized as being eligible for the special pro-  
14    grams and services provided by the United States to  
15    Indians because of their status as Indians.”;

16          (4) in paragraph (11) (as redesignated by para-  
17    graph (2)), by striking subparagraph (B) and insert-  
18    ing the following:

19               “(B) an Alaska Native village or organiza-  
20    tion; and”;

21          (5) by inserting after paragraph (16) (as redesi-  
22    gnated by paragraph (2)) the following:

23               “(17) TRIBAL COLLEGE OR UNIVERSITY.—The  
24    term ‘tribal college or university’ has the meaning

1 given the term in section 316(b) of the Higher Edu-  
 2 cation Act of 1965 (20 U.S.C. 1059c(b)).

3 “(18) TRIBAL GOVERNMENT.—The term ‘tribal  
 4 government’ means the governing body of an Indian  
 5 tribe that is recognized by the Secretary of the Inte-  
 6 rior.”.

7 **SEC. 4. DEPARTMENT OF HOMELAND SECURITY.**

8 (a) EXECUTIVE DEPARTMENT; MISSION.—Section  
 9 101(b)(2) of the Homeland Security Act of 2002 (6  
 10 U.S.C. 111(b)(2)) is amended by inserting “tribal,” after  
 11 “State,”.

12 (b) SECRETARY; FUNCTIONS.—Section 102(c) of the  
 13 Homeland Security Act of 2002 (6 U.S.C. 112(c)) is  
 14 amended—

15 (1) in the matter preceding paragraph (1), by  
 16 inserting “, Tribal,” after “of State”; and

17 (2) by inserting “, tribal,” after “State” each  
 18 place it appears.

19 **SEC. 5. INFORMATION ANALYSIS AND INFRASTRUCTURE**  
 20 **PROTECTION.**

21 (a) DIRECTORATE FOR INFORMATION ANALYSIS AND  
 22 INFRASTRUCTURE PROTECTION.—Section 201(d) of the  
 23 Homeland Security Act of 2002 (6 U.S.C. 121(d)) is  
 24 amended—

1 (1) in paragraphs (1), (3), (6), (7)(B), (8), (9),  
 2 (11), and (13), by inserting “, tribal,” after “State”  
 3 each place it appears;

4 (2) in paragraph (16), by inserting “, tribal,”  
 5 after “State”; and

6 (3) in paragraph (17), by inserting “tribal,”  
 7 after “State,”.

8 (b) ACCESS TO INFORMATION.—Section 202(d)(2) of  
 9 the Homeland Security Act of 2002 (6 U.S.C. 122(d)(2))  
 10 is amended by inserting “, tribal,” after “State”.

11 (c) CRITICAL INFRASTRUCTURE INFORMATION;  
 12 DEFINITIONS.—Section 212 of the Homeland Security  
 13 Act of 2002 (6 U.S.C. 131) is amended in paragraphs  
 14 (3)(A) and (5)(C) by inserting “tribal,” after “State,”  
 15 each place it appears.

16 (d) PROTECTION OF VOLUNTARILY SHARED CRIT-  
 17 ICAL INFRASTRUCTURE INFORMATION.—Section 214 of  
 18 the Homeland Security Act of 2002 (6 U.S.C. 133) is  
 19 amended—

20 (1) in subsection (a)(1)—

21 (A) in subparagraph (C)—

22 (i) by inserting “tribal,” after  
 23 “State,”; and

24 (ii) by striking “or State” and insert-  
 25 ing “, State, or tribal”; and

1 (B) in subparagraph (E)—

2 (i) in the matter preceding clause (i),  
3 by inserting “, tribal,” after “State”;

4 (ii) in clause (i), by inserting “, trib-  
5 al,” after “State”; and

6 (iii) in clause (ii), by inserting “, trib-  
7 al,” after “State”;

8 (2) in subsection (c), by inserting “tribal,” after  
9 “State,”; and

10 (3) in subsection (e)(2)(D), by inserting “, trib-  
11 al,” after “State”.

12 (e) ENHANCEMENT OF NON-FEDERAL  
13 CYBERSECURITY.—Section 223(1) of the Homeland Secu-  
14 rity Act of 2002 (6 U.S.C. 143(1)) is amended by insert-  
15 ing “, tribal,” after “State”.

16 (f) MISSION OF OFFICE; DUTIES.—Section 232 of  
17 the Homeland Security Act of 2002 (6 U.S.C. 162) is  
18 amended—

19 (1) in subsection (a)(2), by inserting “tribal,”  
20 after “State,”;

21 (2) in subsection (b)—

22 (A) in paragraphs (2) and (3), by inserting  
23 “tribal,” after “State,” each place it appears;

24 (B) in paragraph (6)—

1 (i) in the matter preceding subpara-  
 2 graph (A), by inserting “tribal,” after  
 3 “State,”; and

4 (ii) in subparagraph (H), by inserting  
 5 “, tribal,” after “State”; and

6 (C) in paragraphs (9), (11), and (14), by  
 7 inserting “, tribal,” after “State” each place it  
 8 appears; and  
 9 (3) in subsection (g)(1)(A), by inserting “trib-  
 10 al,” after “State,”.

11 (g) NATIONAL LAW ENFORCEMENT AND CORREC-  
 12 TIONS TECHNOLOGY CENTERS.—Section 235(d) of the  
 13 Homeland Security Act of 2002 (6 U.S.C. 165(d)) is  
 14 amended by inserting “tribal,” after “State,”.

15 **SEC. 6. SCIENCE AND TECHNOLOGY IN SUPPORT OF HOME-**  
 16 **LAND SECURITY.**

17 (a) RESPONSIBILITIES AND AUTHORITIES OF THE  
 18 UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—  
 19 Section 302(6) of the Homeland Security Act of 2002 (6  
 20 U.S.C. 182(6)) is amended by inserting “tribal,” after  
 21 “State,”.

22 (b) CONDUCT OF CERTAIN PUBLIC HEALTH-  
 23 RELATED ACTIVITIES.—Section 304(a) of the Homeland  
 24 Security Act of 2002 (6 U.S.C. 184(a)) is amended by

1 inserting “and the Indian Health Service” after “Public  
2 Health Service”.

3 (c) CONDUCT OF RESEARCH, DEVELOPMENT, DEM-  
4 ONSTRATION, TESTING, AND EVALUATION.—Section  
5 308(b) of the Homeland Security Act of 2002 (6 U.S.C.  
6 188(b)) is amended—

7 (1) in paragraph (1)(A), by striking “colleges,  
8 universities,” and inserting “colleges and universities  
9 (including tribal colleges and universities),”; and

10 (2) in paragraph (2)(B), by inserting “(includ-  
11 ing tribal colleges or universities)” after “univer-  
12 sities”.

13 (d) UTILIZATION OF DEPARTMENT OF ENERGY NA-  
14 TIONAL LABORATORIES AND SITES IN SUPPORT OF  
15 HOMELAND SECURITY ACTIVITIES.—Section 309(d) of  
16 the Homeland Security Act of 2002 (6 U.S.C. 189(d)) is  
17 amended by inserting “, tribal,” after “State”.

18 (e) HOMELAND SECURITY INSTITUTE.—Section  
19 312(d) of the Homeland Security Act of 2002 (6 U.S.C.  
20 192(d)) is amended by inserting “tribal colleges and uni-  
21 versities,” after “education,”.

22 (f) TECHNOLOGY CLEARINGHOUSE TO ENCOURAGE  
23 AND SUPPORT INNOVATIVE SOLUTIONS TO ENHANCE  
24 HOMELAND SECURITY.—Section 313 of the Homeland  
25 Security Act of 2002 (6 U.S.C. 193) is amended—

1 (1) in paragraphs (1) and (4) of subsection (b),  
 2 by inserting “tribal,” after “State,” each place it ap-  
 3 pears; and

4 (2) in subsection (c)(1), by inserting “, tribal,”  
 5 after “State”.

6 **SEC. 7. DIRECTORATE OF BORDER AND TRANSPORTATION**  
 7 **SECURITY.**

8 (a) OFFICE FOR DOMESTIC PREPAREDNESS.—Sec-  
 9 tion 430(c)(5) of the Homeland Security Act of 2002 (6  
 10 U.S.C. 238(c)(5)) is amended by inserting “, tribal,” after  
 11 “State”.

12 (b) REPORT ON IMPROVING ENFORCEMENT FUNC-  
 13 TIONS.—Section 445(b) of the Homeland Security Act of  
 14 2002 (6 U.S.C. 255(b)) is amended by inserting “, tribal,”  
 15 after “State”.

16 **SEC. 8. EMERGENCY PREPAREDNESS AND RESPONSE.**

17 (a) RESPONSIBILITIES.—Section 502(5) of the  
 18 Homeland Security Act of 2002 (6 U.S.C. 312(5)) is  
 19 amended by inserting “tribal,” after “State”.

20 (b) CONDUCT OF CERTAIN PUBLIC HEALTH-  
 21 RELATED ACTIVITIES.—Section 505(a) of the Homeland  
 22 Security Act of 2002 (6 U.S.C. 315(a)) is amended—

23 (1) by inserting “tribal,” after “State,”; and

24 (2) by inserting “and the Indian Health Serv-  
 25 ice” after “Public Health Service”.

1 **SEC. 9. TREATMENT OF CHARITABLE TRUSTS FOR MEM-**  
 2 **BERS OF THE ARMED FORCES OF THE**  
 3 **UNITED STATES AND OTHER GOVERN-**  
 4 **MENTAL ORGANIZATIONS.**

5 Section 601(c)(9)(B) of the Homeland Security Act  
 6 of 2002 (6 U.S.C. 331(c)(9)(B)) is amended by inserting  
 7 “tribal,” after “State,”.

8 **SEC. 10. COORDINATION WITH NON-FEDERAL ENTITIES; IN-**  
 9 **SPECTOR GENERAL; UNITED STATES SECRET**  
 10 **SERVICE; COAST GUARD; GENERAL PROVI-**  
 11 **SIONS.**

12 (a) OFFICE FOR STATE AND LOCAL GOVERNMENT  
 13 COORDINATION.—Section 801 of the Homeland Security  
 14 Act of 2002 (6 U.S.C. 361) is amended—

15 (1) in the section heading, by inserting  
 16 “, **TRIBAL**,” after “**STATE**”;

17 (2) in subsection (a)—

18 (A) by inserting “, Tribal,” after “State”;

19 and

20 (B) by inserting “, tribal,” after “State”;

21 and

22 (3) in subsection (b), by inserting “, tribal,”  
 23 after “State” each place it appears.

24 (b) LITIGATION MANAGEMENT.—Section 863(a)(1)  
 25 of the Homeland Security Act of 2002 (6 U.S.C.  
 26 442(a)(1)) is amended in the second sentence by inserting

1 “, or area under the jurisdiction of an Indian tribe,” after  
2 “State”.

3 (c) DEFINITIONS FOR SUPPORT ANTI-TERRORISM BY  
4 FOSTERING EFFECTIVE TECHNOLOGIES ACT.—Section  
5 865(6) of the Homeland Security Act of 2002 (6 U.S.C.  
6 444(6)) is amended by inserting “, tribal,” after “State”.

7 (d) REGULATORY AUTHORITY AND PREEMPTION.—  
8 Section 877(b) of the Homeland Security Act of 2002 (6  
9 U.S.C. 457(b)) is amended—

10 (1) in the subsection heading, by inserting “,  
11 TRIBAL,” after “STATE”; and

12 (2) by inserting “, tribal,” after “State” each  
13 place it appears.

14 (e) INFORMATION SHARING.—Section 891 of the  
15 Homeland Security Act of 2002 (6 U.S.C. 481) is amend-  
16 ed—

17 (1) in subsection (b)—

18 (A) in paragraphs (2), (4), (5), (7), (8),  
19 and (9), by inserting “, tribal,” after “State”  
20 each place it appears;

21 (B) in paragraph (6)—

22 (i) by inserting “, tribal,” after “cer-  
23 tain State”; and

24 (ii) by inserting “tribal,” after  
25 “State,”; and

1 (C) in paragraphs (10) and (11), by insert-  
2 ing “tribal,” after “State,” each place it ap-  
3 pears; and

4 (2) in subsection (c), by inserting “tribal,” after  
5 “State,”.

6 (f) FACILITATING HOMELAND SECURITY INFORMA-  
7 TION SHARING PROCEDURES.—Section 892 of the Home-  
8 land Security Act of 2002 (6 U.S.C. 482) is amended—

9 (1) in subsection (a)(1)(A), by inserting “, trib-  
10 al,” after “State”;

11 (2) in paragraphs (1), (2)(D), and (6) of sub-  
12 section (b), by inserting “, tribal,” after “State”  
13 each place it appears;

14 (3) in subsection (c), by inserting “, tribal,”  
15 after “State” each place it appears;

16 (4) in subsection (e), by inserting “, tribal,”  
17 after “State” each place it appears;

18 (5) in subsection (f)—

19 (A) in paragraph (1), by inserting “tribal,”  
20 after “State,”; and

21 (B) in paragraph (3)—

22 (i) in the matter preceding subpara-  
23 graph (A), by inserting “, tribal,” after  
24 “State”;

- 1 (ii) in subparagraph (A), by inserting  
 2 “tribally or” after “other”;  
 3 (iii) in subparagraph (B), by inserting  
 4 “, tribal,” after “State”; and  
 5 (iv) in subparagraph (D), by inserting  
 6 “tribal,” after “State,”; and  
 7 (6) in subsection (g), by inserting “, tribal,”  
 8 after “State”.

9 (g) REPORT.—Section 893(a) of the Homeland Secu-  
 10 rity Act of 2002 (6 U.S.C. 483(a)) is amended in the sec-  
 11 ond sentence by inserting “tribal,” after “State,”.

12 **SEC. 11. DEPARTMENT OF JUSTICE DIVISIONS.**

13 Section 1114(b) of the Homeland Security Act of  
 14 2002 (6 U.S.C. 532(b)) is amended by inserting “tribal,”  
 15 after “State,”.

16 **SEC. 12. AMENDMENTS TO OTHER LAWS.**

17 (a) CYBER SECURITY ENHANCEMENT ACT OF  
 18 2002.—

19 (1) EMERGENCY DISCLOSURE EXCEPTION.—  
 20 Section 2702(b)(7) of title 18, United States Code  
 21 (as added by section 225(d) of the Homeland Secu-  
 22 rity Act of 2002 (Public Law 107–296; 116 Stat.  
 23 2157)), is amended by inserting “tribal,” after  
 24 “State,”.

1           (2) PROTECTING PRIVACY—Section 2701(b)(1)  
2           of title 18, United States Code (as amended by sec-  
3           tion 225(j)(2)(A) of the Homeland Security Act of  
4           2002 (Public Law 107–296; 116 Stat. 2158)), is  
5           amended by inserting “or Indian tribe” after “or  
6           any State”.

7           (b) NATIONAL INSTITUTE OF JUSTICE.—Section  
8           202(c)(11) of the Omnibus Crime Control and Safe  
9           Streets Act of 1968 (42 U.S.C. 3722(c)(11)) (as added  
10          by section 237(2) of the Homeland Security Act of 2002  
11          (Public Law 107–296; 116 Stat. 2162)) is amended by  
12          inserting “tribal,” after “State,”.

13          (c) HOMELAND SECURITY FUNDING ANALYSIS IN  
14          PRESIDENT’S BUDGET.—Section 1105(a)(33)(A)(iii) of  
15          title 31, United States Code (as added by section 889(a)  
16          of the Homeland Security Act of 2002 (Public Law 107–  
17          296; 116 Stat. 2250) is amended by inserting “, tribal,”  
18          after “State”.

19          (d) AUTHORITY TO SHARE GRAND JURY INFORMA-  
20          TION.—Rule 6(e)(3)(C) of the Federal Rules of Criminal  
21          Procedure (as amended by section 895(2) of the Home-  
22          land Security Act of 2002 (Public Law 107–296; 116  
23          Stat. 2256)) is amended—

24                  (1) in clause (i)(VI), by striking “federal,  
25                  state,” and inserting “Federal, State, tribal,”; and

1           (2) in the last sentence of clause (iii), by strik-  
2           ing “state,” and inserting “State, tribal,”.

3           (e) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND  
4 ORAL INTERCEPTION INFORMATION.—Section 2517(8) of  
5 title 18, United States Code (as added by section 896 of  
6 the Homeland Security Act of 2002 (Public Law 107–296;  
7 116 Stat. 2257)), is amended by inserting “tribal,” after  
8 “State,” each place it appears.

9           (f) FOREIGN INTELLIGENCE INFORMATION.—Section  
10 203(d)(1) of the Uniting and Strengthening America by  
11 Providing Appropriate Tools Required to Intercept and  
12 Obstruct Terrorism (USA PATRIOT ACT) Act of 2001  
13 (50 U.S.C. 403–5d) (as amended by section 897(a) of the  
14 Homeland Security Act of 2002 (Public Law 107–296;  
15 116 Stat. 2257)) is amended by inserting “tribal,” after  
16 “State,” each place it appears.

17          (g) FOREIGN INTELLIGENCE SURVEILLANCE.—

18           (1) INFORMATION ACQUIRED FROM AN ELEC-  
19 TRONIC SURVEILLANCE.—Section 106(k)(1) of the  
20 Foreign Intelligence Surveillance Act of 1978 (50  
21 U.S.C. 1806) (as amended by section 898 of the  
22 Homeland Security Act of 2002 (Public Law 107–  
23 296; 116 Stat. 2258)) is amended by inserting “or  
24 Indian tribe” after “subdivision)”.

1           (2) INFORMATION ACQUIRED FROM A PHYSICAL  
 2       SEARCH.—Section 305(k)(1) of the Foreign Intel-  
 3       ligence Surveillance Act of 1978 (50 U.S.C. 1825)  
 4       (as amended by section 899 of the Homeland Secu-  
 5       rity Act of 2002 (Public Law 107–296; 116 Stat.  
 6       2258)) is amended by inserting “or Indian tribe”  
 7       after “subdivision)”.

8       (h) TRANSFER OF CERTAIN SECURITY AND LAW EN-  
 9       FORCEMENT FUNCTIONS AND AUTHORITIES.—Section  
 10      1315 of title 40, United States Code (as amended by sec-  
 11      tion 1706(b)(1) of the Homeland Security Act of 2002  
 12      (Public Law 107–296; 116 Stat. 2316)), is amended—

13           (1) in subsection (d)(3), by inserting “tribal,”  
 14       after “State,”; and

15           (2) in subsection (e), by inserting “, tribal,”  
 16       after “State” each place it appears.

17   **SEC. 13. CONGRESSIONAL AFFIRMATION AND DECLARA-**  
 18                           **TION OF TRIBAL GOVERNMENT AUTHORI-**  
 19                           **TIES.**

20       (a) IN GENERAL.—For the purpose of this Act, Con-  
 21       gress affirms and declares that the inherent sovereign au-  
 22       thority of an Indian tribal government includes the au-  
 23       thority to enforce and adjudicate violations of applicable  
 24       criminal, civil, and regulatory laws committed by any per-

1 son on land under the jurisdiction of the Indian tribal gov-  
2 ernment, except as expressly and clearly limited by—

3 (1) a treaty between the United States and an  
4 Indian tribe; or

5 (2) an Act of Congress.

6 (b) SCOPE.—The authority of an Indian tribal gov-  
7 ernment described in subsection (a) shall—

8 (1) be concurrent with the authority of the  
9 United States; and

10 (2) extend to—

11 (A) all places and persons within the In-  
12 dian country (as defined in section 1151 of title  
13 18, United States Code) under the concurrent  
14 jurisdiction of the United States and the Indian  
15 tribal government; and

16 (B) any person, activity, or event having  
17 sufficient contacts with that land, or with a  
18 member of the Indian tribal government, to en-  
19 sure protection of due process rights.

○